

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

HSBC BANK NEVADA, N. A. :
Plaintiff :
v : Civil Action No. RWT-06-906
JEFFREY R. SEDGWICK :
Defendant :
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MEMORANDUM OPINION

The above-captioned case was removed to this court by notice filed by Defendant on April 7, 2006. Paper No. 1. The complaint, originally filed in the District Court for Prince George's County, Maryland, alleges that Defendant owes Plaintiff the sum of \$902.52 for goods and services sold and delivered. *Id.* In his notice of removal, Defendant claims there are federal claims involved in this case because his constitutional right of access to courts has been violated. *Id.* Defendant has also filed a Motion to Proceed In Forma Pauperis. Paper No. 5. Because he appears to be indigent, his motion shall be granted.

Under 28 U.S.C. § 1441 a civil action filed in a State court is removable only if the United States District Court to which it is removed has original jurisdiction over the claims raised in the complaint. The only claim alleged in the instant complaint is a breach of contract action, which does not raise a federal question. *See* 28 U.S.C. § 1331. Defendant's allegation regarding a constitutional rights violation does not convert a breach of contract action into a federal claim. Although the parties are from different states, the amount in controversy does not exceed \$75,000, the required amount for diversity jurisdiction. *See* 28 U.S.C. § 1332(a). Having determined no discernible basis for jurisdiction over the claims asserted in the complaint, removal is improper in this case and the

matter shall be remanded to the District Court for Prince George's County. A separate Order follows.

Date: 4/26/06

/s/
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE